

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

2002 MAR 27 A 10:59

EEOC :
v. :
HARBOR HOSPITAL CENTER, INC. :

ORDER

On March 7, and 20, 2002, the Court held hearings on Defendant's Motion for Summary Judgment and Plaintiff's Motion for Partial Summary Judgment. Plaintiff has also filed a Motion to Strike a supplemental memorandum submitted by Defendant. For the reasons stated herein, the Court hereby DENIES Defendant's Motion for Summary Judgment, DENIES Plaintiff's Motion for Partial Summary Judgment, and DENIES as MOOT Plaintiff's Motion to Strike.

The Court concludes that material factual disputes exist concerning: (i) whether and to what extent Ms. Higgins was permitted to request Sunday work exchanges with members of the kitchen and cafeteria departments; (ii) the need for Ms. Higgins to work the Sunday lunch shift; and (iii) the scope of Mr. Bednar's efforts to obtain replacements for Ms. Higgins.¹

This case revolves around a single issue, whether Harbor Hospital met its burden to reasonably accommodate Ms. Higgins' religious beliefs. As a result, the trial will be short and little time would be saved by requiring the parties to present additional witnesses and argument in support of their Motions.

Accordingly, the Court hereby DENIES Defendant's Motion for Summary Judgment.

¹ The Court reserves judgment on whether Harbor Hospital was required to do more than allow Ms. Higgins to ask her co-workers to swap shifts with her on Sundays.

DENIES Plaintiff's Motion for Partial Summary Judgment, and DENIES Plaintiff's Motion to Strike as MOOT. The Court no longer requests or requires the submissions originally due Wednesday, March 27th. On April 1, 2002, at 2:30 p.m., the Court will hold a telephone conference to set a trial schedule. Plaintiff's counsel is instructed to initiate the conference call.

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It is so ORDERED this day of March, 2002.

B. Legg

Benson Everett Legg
United States District Judge